

**PLANNING AND ZONING BOARD
MAY 10, 2000**

1. ROLL CALL

The meeting was called to order at 7:38 p.m. Board members present were Chair George Greb, Vice-Chair Michael Davenport, Larry Davis, and Jay Stahl. Also present were Board Attorney A. Thomas Connick, Interim Town Attorney Monroe Kiar (arrived 8:32 p.m.), Planner Jason Eppy, and Board Secretary Alina Medina recording. John Pisula was absent.

2. APPROVAL OF MINUTES - February 23, 2000

March 8, 2000

April 26, 2000

Mr. Davis questioned the reference to a letter by Mr. Kuvin on the February 23, 2000 minutes with clarification from Ms. Medina; on page 3 of the March 8, 2000 minutes, Old Business, number four, a discussion regarding the location of the sign; and asked for clarification of the last sentence of the first full paragraph of page two on the April 26, 2000 minutes regarding an assumption in the traffic study regarding a signal light being where there was none, as well as Nob Hill Road being under the jurisdiction of Broward County, with improvements under a concurrent review of adjacent property plat processes. Mr. Eppy state that the traffic study would be assessed by Broward County.

Mr. Stahl made a motion, seconded by Vice-Chair Davenport, to approve the minutes subject to Mr. Davis' clarifications. In a voice vote, with Mr. Pisula being absent, all voted in favor. **(Motion carried 4-0)**

3. PLATS

3.1 P 8-2-99, Griffin 78 Plat, 7790 Griffin Road (B-1) (tabled from April 26, 2000)

Mr. Eppy stated that this item had been tabled several times and a resolution had still not been reached even though staff was working with the applicant. He indicated that staff was requesting that the item be withdrawn until the issues were resolved.

Vice-Chair Davenport made a motion, seconded by Mr. Stahl, to withdraw this item from the agenda. In a voice vote, with Mr. Pisula being absent, all voted in favor. **(Motion carried 4-0)**

4. PUBLIC HEARING

Vacation/Abandonment

4.1 VA 2-1-00, Danielle/U-Pull-It, McKenzie Tank Lines, Inc., Adler Development, Inc., Manchac's Paving, generally located on SW 46 Avenue, south of Oakes Road between State Road 7 and SW 47 Avenue

Mr. Eppy advised that staff was requesting a tabling to May 24, 2000.

Mr. Davis made a motion, seconded by Mr. Stahl, to table this item to the May 24, 2000 meeting. In a voice vote, with Mr. Pisula being absent, all voted in favor. **(Motion carried 4-0)**

Rezoning

4.2 ZB 3-1-00, F.L.R., LLC/Thanh Pham, 5000 SW 82 Avenue (CF)

Mr. Klein, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommendation: approval subject to the planning report).

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Chair Greb asked if anyone wanted to speak for or against this item. As there were no speakers, the public hearing was closed.

Mr. Stahl made a motion, seconded by Vice-Chair Davenport, to approve subject to a voluntary declaration of restrictions, the Master Plan, and site plan. In a roll call vote, the vote was as follows: Chair Greb, yes, Vice-Chair Davenport, yes; Mr. Davis, yes Mr. Pisula, absent; Mr. Stahl, yes. **(Motion carried 4-0)**

4.3 ZB 4-1-00, Davie Builders, LLC/Loecher (A-1)

Barbara Hall representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommendation: approval).

Ms. Hall presented an aerial of the property and explained the proposed plans for 42 units on 14 acres and the location of the church.

Chair Greb asked if anyone wanted to speak for or against this item.

Pastor Ralph Button, also representing the petitioner, was present.

Chair Greb closed the public hearing.

Mr. Stahl asked about the related variance request and was advised by Mr. Eppy that the variance would be heard at the next meeting.

Vice-Chair Davenport made a motion, seconded by Mr. Davis, to approve subject to the approval of the upcoming variance request. In a roll call vote, the vote was as follows: Chair Greb, yes, Vice-Chair Davenport, yes; Mr. Davis, yes; Mr. Pisula, absent; Mr. Stahl, yes. **(Motion carried 4-0)**

Variance

4.4 V 4-1-00, Poggi, 11365 Earnest Boulevard (A-1)

Michael Poggi, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommendation: denial).

Mr. Poggi stated that the report was accurate and that since the neighborhood was upscale, the fence would be professionally installed. He advised that the neighbors had no objections to the variance request.

Chair Greb had concerns about creating a nuisance with an increased number of animals. Mr. Connick confirmed that since the petitioner had a State license and if the variance was granted, it would be difficult to enforce restrictions. There was no way to institute controls with regard to the number of animals housed on the property. Mr. Connick stated that the issue was not specific to petitioner or his animals. It was a special circumstance with conditions applying to the land and what was considered special and peculiar to the property would merit a variance.

Chair Greb asked if the petitioner had agreed to voluntarily deed restrict to one wallaby, and if the restriction could run with the land and be binding in the future with regard to adding additional exotic animals. Mr. Poggi advised that he needed the eight foot fence specifically for the wallaby. A standard fence would suffice for any other exotic animal.

Mr. Connick suggested tabling this item to the May 24th meeting in order to prepare documentation reflecting the intention of the Board. Ms. Medina stated that it would be the responsibility of the petitioner to prepare any deed restriction documentation.

Discussion continued regarding the potential nuisance of numerous exotics in a neighborhood, class permits for exotics, and the deed restriction.

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Chair Greb asked if anyone wanted to speak for or against this item. As there were no speakers, the public hearing was closed.

Vice-Chair Davenport commented that there were no neighbors at the meeting objecting to the variance and he did not believe it would be a nuisance to the neighbors. He stated that he would be inclined to go along with the request if the applicant voluntarily indicated what animals would be keeping on the premises and the type of chain link fencing. Mr. Davis mentioned that he would feel more comfortable seeing the actual deed restriction before he voted on this issue. Mr. Poggi confirmed that he would voluntarily restrict the variance to one wallaby with the option to amend the restriction in the future at the discretion of the Board.

Chair Greb indicated that the Town needed to address limits for exotic animals as there were none in the Code and he was reluctant to leave the maximum number of permitted animals as a potential loophole. Vice-Chair Davenport and Mr. Davis agreed.

Mr. Poggi disputed the deed restriction to the extent that he did not intend to have more wallabies but if he wanted another type of "exotic" animal, he would prefer to not have to come back to the Board each time for a variance. Debate continued regarding types and numbers of animals permitted with Chair Greb asking for assurances that the number of exotics on petitioner's property would not continue to multiply.

Mr. Davis made a motion, seconded by Mr. Stahl, to table this item to the next meeting in order to allow the petitioner to provide staff with a proposed deed restriction, incorporating into the petition the specific type of chain link fence to be installed. In a roll call vote, the vote was as follows: Chair Greb, yes, Vice-Chair Davenport, yes; Mr. Davis, yes; Mr. Pisula, absent; Mr. Stahl, yes. **(Motion carried 4-0)**

5. OLD BUSINESS

Mr. Stahl asked for a copy of the level of service chart for the Griffin Road area.

Mr. Davis inquired on the status of the March 22, 2000 and April 12, 2000 minutes. Ms. Medina stated that staff was working on past minutes.

6. NEW BUSINESS

Mr. Stahl discussed his objections to the Town Council not being able to read the minutes or attend meetings of the Planning & Zoning Board. Vice-Chair Davenport agreed, stating that he felt it was important for Council to have information from the Board in order to help them make its decisions. Mr. Kiar advised that he would look into the matter with regard to the Snyder decision and report back to the Board.

Mr. Connick asked if the Board would like to have Mr. Kiar ask Council whether language should be added with regard to the issue of exotic animals in the Town. Chair Greb stated that prior to going to Council, he preferred to have Mr. Eppy meet with Town Administrator Robert Middaugh to look into what other municipalities were doing with regard to exotic animals. Lengthy discussion continued regarding the perimeters of a proposed code restriction for exotic animals.

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7. COMMENTS AND/OR SUGGESTIONS

Ms. Medina reported that she had reviewed the Charter and the Board was held to a majority vote, e.g., on a 2-1 vote. Discussion continued regarding Charter provisions for Council voting procedures, as well as procedures for other Town boards, and Roberts Rules of Order. Mr. Kiar advised that he would research the issue and report back to the Board.

Mr. Davis suggested that when a new member was appointed to the Board, they should be given the laws under which they would be deciding issues on and given an introduction on how the Board and meetings were conducted. Chair Greb agreed, recommending that Mr. Kiar give an orientation to new members regarding the Town Code, Charter, rules, etc. Mr. Kiar answered several questions regarding Board members being contacted by the public, requirements under the Sunshine law, conflicts of interest, and lobbyists.

8. ADJOURNMENT

There being no objections, the meeting adjourned at 9:38 p.m.

Approved:_____

Chair/Committee Member